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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/138,146 08/21/98 BAILLIE

M 2-2

EXAMINER

MMC1/1220

CLARK, S

ART UNIT

PAPER NUMBER

DOCKET ADMINISTRATOR (ROOM 3C-512)

LUCENT TECHNOLOGIES INC.

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2815

DATE MAILED:

12/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/138,146

Applicant(s)

Baillie et al

Examiner

S.V.Clark

Group Art Unit

2815

☐ Responsive to communication(s) filed on _____.

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) 8-20 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-7 and 21-28 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2815

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 7, 21, 23, 24, 25, 27, 28 are rejected under 35 U.S.C. 102 (b) as being anticipated by MC Shane et al.

McShane et al shows a carrier having a base 40. An inner and outer wells formed by through holes 34 are shown formed about the periphery of the base. The inner well has an outer wall coupled to the inner wall of the outer well. And a chip 52 is shown positioned on the base and is deemed to be removable by removing means well know in the art. The wells of McShane are shown to have an upper surface and the distance features recited in claim 4. Figure 1 shows said through hole wells to encircle the base.

Said wells are shown to be distinct and separate and therefore discontinuous.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McShane et al.

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McShane discloses that the wells may be formed of dielectric and metal materials and the lack of a description of particular materials is deemed to suggest use of conventional materials. Conventional materials well known in this technology used in circuit board structures would include such materials as polyimides and flexible metals such as copper and aluminum. Metal and substrate thickness would also determine the level of flexibility of said structure. As the claim provides no specifics that characterize flexible it is deemed that McShane teaches obvious use of flexible materials for the reasons mentioned above.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 6 and 7 rejected under 35 U.S.C. 102(b) as being anticipated by Budde.

Budde shows a base 5. An inner and outer wells 11 are shown formed about the periphery of the base. The inner well has an outer wall coupled to the inner wall of the outer well. And a chip 3 is shown positioned on the base. Said wells are shown to be formed of a continuous material of metal and said wells are also shown to be distinct and separate and therefore discontinuous.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budde.

Budde discloses that the wells may be formed of metal materials (i.e. copper and aluminum) that have flexible characteristics shown by the bendability of the bended structure. Metal and substrate thickness would also determine the level of flexibility of said structure. As the claim provides no specifics that characterize flexible it is deemed that Budde teaches obvious use of flexible materials for the reasons mentioned above.

Claims 22, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over McShane et al.

The teaching of McShane are deemed to be applicable to a plurality of devices.

Claims 1-7 and 21-28 are rejected.

Applicant's arguments filed 9-28-2000 have been fully considered but they are not persuasive. The claims as they are very broadly recited are deemed to be taught by McShane et al. Applicant is encouraged to call the Examiner to discuss more appropriate language that may be implemented in the claims so the claims may be further considered for allowance.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Examiner S. V. Clark at telephone number (703) 308-4924.

December 16, 2000



SHEILA V. CLARK
PRIMARY EXAMINER